

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAY JOHANNIGMAN, MD,)	
)	
Plaintiff,)	Case No. 1:19-cv-00280-MRB
)	
v.)	Judge Michael R. Barrett
)	
UNIVERSITY OF CINCINNATI)	DEFENDANT UNIVERSITY
PHYSICIANS, INC. dba UC)	OF CINCINNATI PHYSICIANS,
PHYSICIANS, et al.)	INC.'S PARTIAL ANSWER TO
)	PLAINTIFF'S AMENDED
Defendants.)	COMPLAINT

Defendant University of Cincinnati Physicians, Inc. dba UC Physicians (“UCP” or “Defendant”), by and through its undersigned counsel, hereby partially answers Plaintiff’s Amended Complaint as follows:

PARTIES

1. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Amended Complaint and therefore denies the allegations in Paragraph 1 of the Amended Complaint.

2. UCP admits that it employs Plaintiff. UCP admits that Sheila McCormick is its Director of Human Resources and Dr. Myles Pensak is its CEO. UCP denies the remaining allegations in Paragraph 2 of the Amended Complaint.

3. UCP admits that the University of Cincinnati (“UC”) is an educational institution. The remaining allegations do not relate to UCP. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Amended

Complaint pertaining to Defendant UC and therefore denies the remaining allegations in Paragraph 3 of the Amended Complaint.

4. The allegations in Paragraph 4 of the Complaint do not relate to UCP. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Amended Complaint pertaining to Defendant UC Health, LLC (“UC Health”) and therefore denies the allegations in Paragraph 4 of the Amended Complaint.

NATURE OF ACTION

5. Paragraph 5 of the Amended Complaint consists of Plaintiff’s legal positions and characterizations to which no response is required. To the extent a response is deemed necessary, UCP denies the allegations in Paragraph 5 of the Amended Complaint and denies Plaintiff is entitled to any relief sought.

6. UCP denies the allegations in Paragraph 6 of the Amended Complaint.

7. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Amended Complaint and therefore denies the allegations in Paragraph 7 of the Amended Complaint.

8. UCP denies the allegations in Paragraph 8 of the Amended Complaint.

9. UCP denies the allegations in Paragraph 9 of the Amended Complaint.

10. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Amended Complaint and therefore denies the allegations in Paragraph 10 of the Amended Complaint.

11. UCP denies the allegations in Paragraph 11 of the Amended Complaint.

12. UCP denies the allegations in Paragraph 12 of the Amended Complaint.

13. UCP denies the allegations in Paragraph 13 of the Amended Complaint.

14. UCP denies the allegations in Paragraph 12 of the Amended Complaint.

15. UCP denies the allegations in Paragraph 15 of the Amended Complaint.

16. UCP denies the allegations in Paragraph 16 of the Amended Complaint.

17. UCP admits that Plaintiff is not currently assigned to work at UCMC. UCP denies the remaining allegations in Paragraph 17 of the Amended Complaint.

18. UCP admits that Plaintiff seeks injunctive relief but denies that Plaintiff is entitled to injunctive relief or any other relief sought.

19. Paragraph 19 of the Amended Complaint contains a legal conclusion to which no response is required. To the extent a response is deemed necessary, UCP does not contest this Court has subject matter jurisdiction. UCP denies that any law was violated.

20. Paragraph 20 of the Amended Complaint contains a legal conclusion to which no response is required. To the extent a response is deemed necessary, UCP does not contest this Court has supplemental jurisdiction over Counts I, II, III, and VI. UCP denies that any law was violated.

21. Paragraph 21 of the Amended Complaint contains a legal conclusion to which no response is required. To the extent a response is deemed necessary, UCP does not contest venue is proper, but denies that any of the alleged events occurred.

FACTUAL ALLEGATIONS

22. UCP denies the allegations in Paragraph 22 of the Amended Complaint.

23. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Amended Complaint and therefore denies the allegations in Paragraph 23 of the Amended Complaint.

24. UCP denies the allegations in Paragraph 24 of the Amended Complaint.

25. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Amended Complaint and therefore denies the allegations in Paragraph 25 of the Amended Complaint.

26. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 of the Amended Complaint and therefore denies the allegations in Paragraph 26 of the Amended Complaint.

27. UCP admits the allegations in Paragraph 27 of the Amended Complaint.

28. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 of the Amended Complaint and therefore denies the allegations in Paragraph 28 of the Amended Complaint.

29. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Amended Complaint and therefore denies the allegations in Paragraph 29 of the Amended Complaint.

30. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 of the Amended Complaint and therefore denies the allegations in Paragraph 30 of the Amended Complaint.

31. UCP admits the allegations in Paragraph 31 of the Amended Complaint.

32. UCP admits the allegations in Paragraph 32 of the Amended Complaint.

33. UCP denies the allegations in Paragraph 33 of the Amended Complaint.

34. UCP denies the allegations in Paragraph 34 of the Amended Complaint.

35. UCP admits that Plaintiff had involvement with the C-STARS program. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 35 of the Amended Complaint and therefore denies the allegations

in the last sentence of Paragraph 35 of the Amended Complaint. UCP denies the remaining allegations in Paragraph 35 of the Amended Complaint.

36. UCP denies the allegations in Paragraph 36 of the Amended Complaint.

37. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Amended Complaint and therefore denies the allegations in Paragraph 37 of the Amended Complaint.

38. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Amended Complaint and therefore denies the allegations in Paragraph 38 of the Amended Complaint.

39. UCP admits that Plaintiff stepped down as Chief of the Division in April 2017. UCP denies the remaining allegations in Paragraph 39 of the Amended Complaint.

40. UCP admits that Dr. Pritts is employed by UCP. UCP denies the remaining allegations in Paragraph 40 of the Amended Complaint.

41. UCP admits that Dr. Pritts is Plaintiff's supervisor. UCP denies the remaining allegations in Paragraph 41 of the Amended Complaint.

42. UCP admits that Dr. Andrew Filak is the Interim Dean of the College of Medicine. UCP denies the remaining allegations in Paragraph 42 of the Amended Complaint.

43. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 of the Amended Complaint and therefore denies the allegations in Paragraph 43 of the Amended Complaint.

44. UCP denies the allegations in Paragraph 44 of the Amended Complaint.

45. UCP denies the allegations in Paragraph 45 of the Amended Complaint.

46. UCP denies the allegations in Paragraph 46 of the Amended Complaint.

47. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 of the Amended Complaint and therefore denies the allegations in Paragraph 47 of the Amended Complaint.

48. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 of the Amended Complaint and therefore denies the allegations in Paragraph 48 of the Amended Complaint.

49. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 of the Amended Complaint and therefore denies the allegations in Paragraph 49 of the Amended Complaint.

50. UCP denies the allegations in Paragraph 50 of the Amended Complaint.

51. UCP admits that a new trauma team care system was implemented. UCP denies the remaining allegations in Paragraph 51 of the Amended Complaint.

52. UCP denies the allegations in Paragraph 52 of the Amended Complaint.

53. UCP denies the allegations in Paragraph 53 of the Amended Complaint.

54. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 of the Amended Complaint and therefore denies the allegations in Paragraph 54 of the Amended Complaint.

55. UCP denies the allegations in Paragraph 55 of the Amended Complaint.

56. UCP denies the allegations in Paragraph 56 of the Amended Complaint.

57. UCP is unaware of Plaintiff's use of the phrase "to discuss the matter" and on that basis denies the allegations in Paragraph 57 of the Amended Complaint. UCP is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in

Paragraph 57 of the Amended Complaint and therefore denies the remaining allegations in Paragraph 57 of the Amended Complaint.

58. UCP denies the allegations in Paragraph 58 of the Amended Complaint.

59. UCP denies the allegations in Paragraph 59 of the Amended Complaint.

60. UCP denies the allegations in Paragraph 60 of the Amended Complaint.

61. UCP denies the allegations in Paragraph 61 of the Amended Complaint.

62. UCP denies the allegations in Paragraph 62 of the Amended Complaint.

63. UCP denies the allegations in Paragraph 63 of the Amended Complaint.

64. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 of the Amended Complaint and therefore denies the allegations in Paragraph 64 of the Amended Complaint.

65. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 of the Amended Complaint and therefore denies the allegations in Paragraph 66 of the Amended Complaint. 65.

66. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 of the Amended Complaint and therefore denies the allegations in Paragraph 66 of the Amended Complaint.

67. The allegations in Paragraph 67 of the Amended Complaint do not relate to UCP. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 of the Amended Complaint pertaining to Defendant UC and therefore denies the allegations in Paragraph 67 of the Amended Complaint.

68. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Amended Complaint and therefore denies the remaining allegations in Paragraph 68 of the Amended Complaint.

69. UCP denies the allegations in Paragraph 69 of the Amended Complaint.

70. UCP admits that a resident complained about threatening conduct by Plaintiff in May 2017. UCP denies the remaining allegations in Paragraph 70 of the Amended Complaint.

71. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 of the Amended Complaint and therefore denies the allegations in Paragraph 71 of the Amended Complaint.

72. UCP admits that Plaintiff was removed from clinical duties at UCMC. UCP is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 72 of the Amended Complaint and therefore denies the remaining allegations in Paragraph 72 of the Amended Complaint.

73. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 of the Amended Complaint and therefore denies the allegations in Paragraph 73 of the Amended Complaint.

74. Any communications from Dr. Moulton concerning a Midas report are privileged and therefore, UCP neither admits nor denies the allegations in Paragraph 74 of the Amended Complaint. UCP is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 74 of the Amended Complaint and therefore denies the remaining allegations in Paragraph 74 of the Amended Complaint.

75. Any communications from Dr. Moulton concerning a Midas report are privileged and therefore, UCP neither admits nor denies the allegations in Paragraph 75 of the Amended

Complaint. UCP is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 75 of the Amended Complaint and therefore denies the remaining allegations in Paragraph 75 of the Amended Complaint.

76. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 of the Amended Complaint and therefore denies the allegations in Paragraph 76 of the Amended Complaint.

77. UCP denies the allegations in Paragraph 77 of the Amended Complaint.

78. UCP denies the allegations in Paragraph 78 of the Amended Complaint.

79. UCP denies the allegations in Paragraph 79 of the Amended Complaint.

80. UCP admits that Plaintiff underwent a forensic psychological evaluation. UCP denies the remaining allegations in Paragraph 80 of the Amended Complaint.

81. UCP admits that Dr. Edward and Dr. Davis did not undergo psychological evaluations. UCP denies the remaining allegations in Paragraph 81 of the Amended Complaint.

82. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 of the Amended Complaint and therefore denies the allegations in Paragraph 82 of the Amended Complaint.

83. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83 of the Amended Complaint and therefore denies the allegations in Paragraph 83 of the Amended Complaint.

84. UCP denies the allegations in Paragraph 84 of the Amended Complaint.

85. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 of the Amended Complaint and therefore denies the allegations in Paragraph 85 of the Amended Complaint.

86. UCP denies the allegations in Paragraph 86 of the Amended Complaint.

87. UCP admits there was no Title IX violation. UCP denies the remaining allegations in Paragraph 87 of the Amended Complaint.

88. UCP denies the allegations in Paragraph 88 of the Amended Complaint.

89. UCP denies the allegations in Paragraph 89 of the Amended Complaint.

90. UCP denies the allegations in Paragraph 90 of the Amended Complaint.

91. UCP admits that Dr. Filak provided Plaintiff with a letter captioned “Final warning.” The contents of the letter speak for themselves. To the extent Paragraph 91 is inconsistent with the contents of the letter, UCP denies the allegations in Paragraph 91 of the Amended Complaint. UCP denies the remaining allegations in Paragraph 91 of the Amended Complaint.

92. UCP denies the allegations in Paragraph 92 of the Amended Complaint.

93. UCP denies the allegations in Paragraph 93 of the Amended Complaint.

94. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 of the Amended Complaint and therefore denies the allegations in Paragraph 94 of the Amended Complaint.

95. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 of the Amended Complaint and therefore denies the allegations in Paragraph 95 of the Amended Complaint.

96. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 of the Amended Complaint and therefore denies the allegations in Paragraph 96 of the Amended Complaint.

97. UCP admits Heather Cox sent Plaintiff an email on January 14, 2019. UCP further admits a portion of Plaintiff's Final Warning was quoted in the email. UCP denies the remaining allegations in Paragraph 97 of the Amended Complaint.

98. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98 of the Amended Complaint and therefore denies the allegations in Paragraph 98 of the Amended Complaint.

99. UCP admits that Plaintiff requested permission to operate on patients at UCMC. UCP is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 99 of the Amended Complaint and therefore denies the remaining allegations in Paragraph 99 of the Amended Complaint.

100. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100 of the Amended Complaint and therefore denies the allegations in Paragraph 100 of the Amended Complaint.

101. UCP denies the allegations in Paragraph 101 of the Amended Complaint.

102. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 of the Amended Complaint and therefore denies the allegations in Paragraph 102 of the Amended Complaint.

103. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103 of the Amended Complaint and therefore denies the allegations in Paragraph 103 of the Amended Complaint.

104. UCP states that to the extent the allegations in Paragraph 104 of the Amended Complaint attempt to paraphrase or characterize the contents of a written document produced in discovery, the document speaks for itself, and deny the allegations to the extent that they are

inconsistent with the document. UCP denies the remaining allegations in Paragraph 104 of the Amended Complaint.

105. UCP denies the allegations in Paragraph 105 of the Amended Complaint.

106. UCP denies the allegations in Paragraph 106 of the Amended Complaint.

107. UCP denies the allegations in Paragraph 107 of the Amended Complaint.

108. UCP denies the allegations in Paragraph 108 of the Amended Complaint.

109. UCP denies the allegations in Paragraph 109 of the Amended Complaint.

110. UCP denies the allegations in Paragraph 110 of the Amended Complaint.

111. UCP denies the allegations in Paragraph 111 of the Amended Complaint.

112. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112 of the Amended Complaint and therefore denies the allegations in Paragraph 112 of the Amended Complaint.

113. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113 of the Amended Complaint and therefore denies the allegations in Paragraph 113 of the Amended Complaint.

114. UCP admits Relative Value Units is a factor used to measure clinical productivity.

115. UCP denies the allegations in Paragraph 115 of the Amended Complaint.

116. UCP denies the allegations in Paragraph 116 of the Amended Complaint.

COUNT I

117. UCP incorporates by reference its answers to Paragraphs 1 through 116 of the Amended Complaint as if fully stated herein.

118. UCP has filed a Motion to Dismiss pertaining to the allegations in Paragraph 118 of the Amended Complaint and therefore, no response is required. To the extent a response is required, UCP denies the allegations contained in Paragraph 118 of the Amended Complaint.

119. UCP has filed a Motion to Dismiss pertaining to the allegations in Paragraph 119 of the Amended Complaint and therefore, no response is required. To the extent a response is required, UCP denies the allegations contained in Paragraph 119 of the Amended Complaint.

120. UCP has filed a Motion to Dismiss pertaining to the allegations in Paragraph 120 of the Amended Complaint and therefore, no response is required. To the extent a response is required, UCP denies the allegations contained in Paragraph 120 of the Amended Complaint.

121. UCP has filed a Motion to Dismiss pertaining to the allegations in Paragraph 121 of the Amended Complaint and therefore, no response is required. To the extent a response is required, UCP denies the allegations contained in Paragraph 121 of the Amended Complaint.

COUNT II

122. UCP incorporates by reference its answers to Paragraphs 1 through 121 of the Amended Complaint as if fully stated herein.

123. UCP denies the allegations in Paragraph 123 of the Amended Complaint.

124. UCP denies the allegations in Paragraph 124 of the Amended Complaint.

125. UCP denies the allegations in Paragraph 125 of the Amended Complaint.

COUNT III

126. UCP incorporates by reference its answers to Paragraphs 1 through 125 of the Amended Complaint as if fully stated herein.

127. UCP denies the allegations in Paragraph 127 of the Amended Complaint.

128. UCP denies the allegations in Paragraph 128 of the Amended Complaint.

129. UCP denies the allegations in Paragraph 129 of the Amended Complaint.

COUNT IV

130. UCP incorporates by reference its answers to Paragraphs 1 through 129 of the Amended Complaint as if fully stated herein.

131. Paragraph 131 of the Amended Complaint contains a legal conclusion to which no response is required. To the extent a response is deemed necessary, UCP denies the allegations in Paragraph 131 of the Amended Complaint.

132. Paragraph 132 of the Amended Complaint contains a legal conclusion to which no response is required. To the extent a response is deemed necessary, UCP denies the allegations in Paragraph 132 of the Amended Complaint.

133. Paragraph 133 of the Amended Complaint contains a legal conclusion to which no response is required. To the extent a response is deemed necessary, UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133 of the Amended Complaint and therefore denies the allegations in Paragraph 133 of the Amended Complaint.

134. UCP is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134 of the Amended Complaint and therefore denies the allegations in Paragraph 134 of the Amended Complaint.

135. UCP denies the allegations in Paragraph 135 of the Amended Complaint.

136. UCP denies the allegations in Paragraph 136 of the Amended Complaint.

137. UCP denies the allegations in Paragraph 137 of the Amended Complaint.

COUNT V

138. UCP incorporates by reference its answers to Paragraphs 1 through 137 of the Amended Complaint as if fully stated herein.

139. Paragraph 139 of the Amended Complaint contains a legal conclusion to which no response is required. To the extent a response is deemed necessary, UCP denies the allegations in Paragraph 139 of the Amended Complaint.

140. UCP denies the allegations in Paragraph 140 of the Amended Complaint.

141. UCP denies the allegations in Paragraph 141 of the Amended Complaint.

142. UCP denies the allegations in Paragraph 142 of the Amended Complaint.

COUNT VI

143. UCP incorporates by reference its answers to Paragraphs 1 through 142 of the Amended Complaint as if fully stated herein.

144. UCP denies the allegations in Paragraph 144 of the Amended Complaint.

145. UCP denies the allegations in Paragraph 145 of the Amended Complaint.

146. UCP denies the allegations in Paragraph 146 of the Amended Complaint.

147. UCP denies the allegations in Paragraph 147 of the Amended Complaint.

148. UCP denies the allegations in Plaintiff's "Prayer for Relief" on Pages 20-21 of the Amended Complaint and the relief and remedies requested in subparagraphs a-g.

149. UCP denies each and every allegation in the Complaint not specifically admitted.

DEFENSES AND AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiff's Amended Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

One or more of Plaintiff's claims and/or allegations is barred by the applicable statute of limitations.

THIRD DEFENSE

Plaintiff has failed to mitigate his damages, if any exist.

FOURTH DEFENSE

One or more of Plaintiff's claims are barred by waiver, estoppel, laches and/or unclean hands.

FIFTH DEFENSE

Plaintiff's alleged damages are speculative and thus unavailable as a matter of law.

SIXTH DEFENSE

Plaintiff failed to exhaust his administrative remedies.

SEVENTH DEFENSE

UCP relies on all defenses express or implied contained in Ohio Revised Code § 4112 and 38 U.S.C. §§ 4311, 4312, 4313.

EIGHTH DEFENSE

Plaintiff's Amended Complaint is barred, in whole or in part, because each action taken by UCP with regard to Plaintiff was based on legitimate, non-discriminatory and non-retaliatory reasons.

NINTH DEFENSE

Plaintiff's damages must be reduced or dismissed to the extent after-acquired evidence is discovered.

TENTH DEFENSE

Plaintiff is not entitled to compensatory damages, punitive damages or attorneys' fees, because UCP did not at any time engage in unlawful, reckless, willful, wanton or malicious conduct toward Plaintiff or with the intent to injure him or with knowledge or belief that injury was substantially certain to occur.

ELEVENTH DEFENSE

Plaintiff fails to state sufficient facts upon which an award of punitive damages can be based, and therefore such an award would violate the United States and Ohio Constitution.

TWELFTH DEFENSE

Plaintiff's damages are subject to offset.

THIRTEENTH DEFENSE

Plaintiff's claims are barred to the extent he seeks injunctive, declaratory, or other equitable relief, because Plaintiff has an adequate remedy at law and has suffered no irreparable harm.

FOURTEENTH DEFENSE

Plaintiff's claims fail because UCP's alleged statements were privileged.

FIFTEENTH DEFENSE

UCP, at no time, acted with recklessness, intent, and/or malice.

SIXTEENTH DEFENSE

Plaintiff's claims fail because UCP's alleged statements were true or substantially true.

SEVENTEENTH DEFENSE

Plaintiff's claims fail because UCP's alleged statements were constitutionally protected opinions.

EIGHTEENTH DEFENSE

Plaintiff lacks a good faith basis for his claims, in whole or in part, entitling UCP to attorneys' fees, costs and expenses incurred defending this action.

NINETEENTH DEFENSE

UCP reserves the right to assert additional defenses as they become available or apparent during the course of this litigation.

WHEREFORE, UCP respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice, award it attorneys' fees and costs for responding to Plaintiff's Complaint, and grant all other relief just and proper in the premises.

Respectfully submitted,

/s/ Michael S. Glassman

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*Attorneys for Defendant University of Cincinnati
Physicians, Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **PARTIAL ANSWER** was served by electronic mail using the Court's CM/ECF system on all counsel or parties of record.

This 19th day of July, 2019.

/s/ Michael S. Glassman

Michael S. Glassman

*Attorney for Defendant University of
Cincinnati Physicians, Inc.*

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